

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**COURTROOM PROCEEDINGS**

The court met in its courtroom at 11:00 A.M. Present: Honorable Nickolas J. Dibiaso, Acting Presiding Justice; Honorable Timothy S. Buckley, Associate Justice; Honorable Dennis A. Cornell, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Elaine J. Duffy, Supervising Deputy Clerk.

**F042656      Cindy J. v. Superior Court of Kings County; Kings Co. Dept. of Human Services et al.**

Cause called and argued by petitioner Cindy J., appearing in propria persona; William Murphy, Esq., Deputy County Counsel, counsel for real party Kings Co. Dept. of Human Services and Pat Belter, Esq., counsel for real party Minor's Advocate waived oral argument.

Cause ordered submitted.

At this point Dibiaso, Acting P.J., Buckley, J. and Cornell, J. leave the bench; they are replaced by Vartabedian, Acting P.J., Levy, J. and Gomes, J.

**F042783      Clemmie S. v. Superior Court of Kern County; Kern Co. Dept. of Human Services**

Cause called and argued by Melvin J. Thompson, Esq., counsel for petitioner and by Jennifer Thurston, Esq., Deputy County Counsel, counsel for real party.

Cause ordered submitted.

The court adjourns.

**F041191      People v. Blakes**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

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- F041191      People v. Blakes**  
The judgment is affirmed.  
By the Court.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F040843      People v. Bridges**  
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.
- F040843      People v. Bridges**  
The judgment is reversed. The matter is remanded to the trial court and, at the People's option, the trial court shall either (1) sentence appellant to a seven-year prison term in accordance with the original plea agreement, or (2) set aside appellant's no contest plea, reinstate the original charges, and conduct such further proceedings as may be appropriate.  
By the Court.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F042699      B.D. v. The Superior Court Of Fresno County; Fresno County Department Of Family And Children Services**  
The petition for extraordinary writ is denied.  
By the Court.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F040253      People v. Hernandez**  
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

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**F040253**      **People v. Hernandez**  
The judgment is affirmed.  
By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F039979**      **People v. Luna**  
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

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**F039979      People v. Luna**

The judgment is reversed and remanded to the trial court to conduct an inquiry into Luna's allegations concerning his counsel's inadequate performance pursuant to *People v. Marsden* (1970) 2 Cal.3d 188. If the trial court determines Luna has presented a colorable claim of ineffective assistance of counsel, the trial court shall appoint new counsel to investigate and present a motion for new trial. If, however, the inquiry does not present a colorable claim of ineffective assistance of counsel, the trial court shall reinstate the judgment without the conviction under count 4 and resentence Luna in a manner consistent with this opinion.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F039189      People v. Smith**

Appellant's convictions for counts 1 and 2, rape in concert (264.1), are reduced to rape (261, subd. (a)(2)) and the matter is remanded to the trial court for resentencing. Upon the completion of resentencing, the court is directed to forward an amended abstract of judgment to the appropriate authorities. In all other respects, the judgment is affirmed.  
Levy, J.

We concur: Vartabedian, Acting P.J.; Gomes, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F041375      In re Joseph O., a Minor**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted

**F041375      In re Joseph O., a Minor**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]